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# DOCUMENTS

SENT DOWN TO THE HOUSE OF ASSEMBLY

BY

**His Excellency the Lieutenant Governor,**

RELATIVE TO

**SCHOOL LANDS.**

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Printed by Order of the House of Assembly.

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## DOCUMENTS, &c.

**J. COLBORNE,**

The Lieutenant Governor, in compliance with an address respecting the school Townships, transmits the accompanying documents, and acquaints the House of Assembly, that the joint address referred to cannot be found: but that this document appears unnecessary to establish under whose charge the Reserves were placed, as the substance of the address is quoted in the Duke of Portland's Despatch, and the intention of His Majesty communicated to authorize the Governor in Council to set apart a portion of the Crown Lands towards the formation of a school fund "out of which His Majesty may allot such salaries as he shall judge proper."

The reports of the Executive Council on this subject are annexed; on the framing of which it will be perceived the Judges and Law Officers of the Crown were consulted.

The document No. 1. referred to in the letter of the 13th of May 1823, is an extract of Sir Peregrine Maitland's despatch respecting school lands and the organization of Schools. And the document No. 2 referred to has been laid before the House. It is an Extract from Lord Bathurst's despatch, in answer to the suggestions of Sir Peregrine Maitland.

The account of the board of Education to the end of the year 1829 including the expense of collection of proceeds of sale of school lands and their application, has been laid before the House of Assembly at the last session. The detailed account of the number of acres sold in each Township and the account of the Board to the end of 1830 shall be forwarded to the House.

The Lieutenant Governor acquaints the House that the arrangements for the endowment of the Upper Canada College are not yet completed; and that he has suggested the expediency of dividing and exchanging part of the land of the school townships for the purpose of raising the value of the school lots, and transferring an equal number of acres in other townships to the board

of education. The report of the executive council on this subject is annexed.

*Government House* }  
7th Feb'y. 1831. }

**COPY.**

*Council Chamber,*

Sir,

6th Nov. 1798.

Having received directions from the Duke of Portland one of His Majesty's principal Secretaries of State, to consult the members of His Majesty's Executive Council and the Judges and Law Officers of the Crown in Upper Canada, and report to His Grace in what manner, and to what extent a portion of the waste lands of the crown may be appropriated and rendered productive towards the formation of a fund for the establishment of free Grammar Schools in those districts in which they are called for, and in due process of time by establishing other seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the arts and sciences, out of which His Majesty may according to his pleasure allot such salaries as he shall judge proper for the school masters of such free schools who are to be appointed by His Majesty's Governor, or the person administering his Majesty's Government subject to His Majesty's approbation.

I am to request you will be pleased to meet the Chief Justice, and the members of His Majesty's Executive Council at the Council Chamber on Friday the ninth instant, for the purpose of taking the above subject into your consideration, and reporting to me your opinions thereon, that I may transmit them to the Duke of Portland for His Majesty's information.

I have the honor to be

Sir,

Your most obedient  
Humble Servant

(SIGNED) PETER RUSSELL.

## COPY.

The Chief Justice by direction of the board wrote the following letter to His Honor the President,

*November 10th, 1798.*

Sir,

The Committee on His Grace the Duke of Portland's letter on the subject of schools, direct me to enquire of your honor, whether it is your pleasure that we should, each of us, report his opinion separately, or whether the Chairman is to report to you, a plan agreed upon by us all.

I have the honor to be

Sir,

Your most obedient

Humble Servant

(SIGNED) J. ELMSLEY, c. J.

*To his honor the President, &c. &c.*

Sir,

*York, 12th Nov. 1798.*

I have had the honor to receive your letter of Saturday desiring to know whether the members of the committee on His Grace the Duke of Portland's letter on the subject of schools are to report their opinion separately, or whether the Chairman is to report the plan agreed upon by them all. In answer to which I can only have the honor to say, that in my opinion a report from the chairman of the plan unapiously agreed upon would be less troublesome both to the Committee and His Grace, and would probably throw equal if not more light upon the subject than the opinions of the members stated separately, I shall therefore only request a general report signed by the chairman; however I do not mean by this to preclude any of the gentlemen from favoring me with their own sentiments, in addition to the general advice, as I believe it is the desire of His Majesty's ministers to obtain all the information possible on a subject of such importance to the future welfare of this Province.

I have &c.

(SIGNED) PETER RUSSELL.

*To the Hon'ble John Elmsley, C. J.*

## COPY.

*Council Chamber at York,*

*1st December, 1798.*

Read the report of the Board formed of the members of His Majesty's Executive Council and the Judges and Law officers of the Crown in Upper Canada who were directed to take into their consideration the letter from His Grace the Duke of Portland on the Establishments of Grammar Schools and other places of Education

in this Province, and the same having received the approbation of the President in Council, it was ordered, that the Report be fairly copied, that it may be transmitted without delay to His Grace the Duke of Portland for the information of His Majesty.

The Report is as follows:

*Council Chamber,*

*1st. Dec. 1798.*

Sir,

I have the honour to inform you that in obedience to your order of the 6th ultimo, the members of His Majesty's Executive Council, the Judges, and the Law officers of the Crown met together in this place on the nineteenth ultimo and on several occasions since, and took into their consideration the letter of His Grace the Duke of Portland on the Establishment of Grammar schools and other places of Education in the Province.

It is not to be expected that on a subject of such extent, the opinions of so many persons as were assembled to consider of it should exactly coincide. I have, however, the satisfaction to say that in our general views of the system to be adopted we are nearly agreed, and that the difference with respect to the mode in which it is to be carried into effect is not very considerable.

As it was Your Honour's pleasure that the chairman should collect the opinions of the several members of the board and digest them into one report, I took the liberty of distributing the subject into the five following heads, and of requesting their thoughts on each, viz:

1. The sum to be raised—2. The number of acres to be appropriated—3. The purposes to which the fund is to be applied—4. The number of schools, and the places where they are to be erected.

5. The number now necessary.

It is now my duty to state to your honor the general result of the whole, and should I either misrepresent the sentiments of the Board or fail to give them the effect they deserve, I trust that Your honour will impute the blame to me only, and do justice to the several members by referring to the opinion of each which I have subjoined by way of schedule.

When the subject was first opened it seemed to be the unanimous opinion, that the intention of the Royal Founder of the free Grammar schools and University of Upper Canada could not be effectuated but by a liberal provision for their establishment and maintenance: and each member of the Board seemed deeply impressed with a conviction that in making his estimate of



the extent of that provision, it would be much safer to allow too much than too little; for as the application of the funds will always be directed by the beneficent wisdom which has created it, the excess may at any time be applied to other purposes, equally worthy of the original intention, and equally conducive to the happiness of the Province; but it will be difficult and perhaps impossible if the present moment be neglected to find at a future period the means of effecting the object before us, without much expense, and a delay almost subversive of the purpose.

Under this impression the Board proceeded to consider in detail the purposes to which the proposed fund should when raised be applied, and seemed to be unanimous in thinking that they may be reduced to three.

1st. The erection of the necessary buildings.

2nd. The payment of the salaries of the masters.

3rd. The keeping of the buildings in repair, the purchase of Books, and Philosophical apparatus, and other purposes essential to places of Education, but in general too costly to be provided by individuals.

1st. With respect to the sum to be expended on the erection of the necessary buildings, the Board conceived that taking the average price of labour in the four Districts of the Province the sum £3000 Provincial Currency will be sufficient to erect a plain but solid and substantial building, containing a school room, sufficient to hold an hundred boys without danger of their health from too many being crowded together; and also a set of apartments for the master large enough not only for the accommodation of his family but also for the very desirable purpose of enabling him to take a few of his pupils as Boarders. some few out buildings may also be necessary for the use of the master which if they will not come within this estimate will not much exceed it and may easily be provided for hereafter.

2nd. As the extent of the salaries of the masters is expressly reserved for the Royal consideration, we do not presume to mention any particular sum as sufficient for that purpose: but as it is necessary for us in making our estimate, to calculate upon some given sum, and as His Excellency the Lieut. Governor thought the sum of £100 Provincial Currency a sufficient allowance for the Master of the school erected under his auspices at Kingston, we beg leave to take that sum as an average, for the salary of the master of each school and half of it for the salary of an under master in case it should be thought expedient to have one.

3rd. The sum of £30 per annum seems to be a sufficient sum for keeping the building in repair. The provision for the purchase of books, Philosophical apparatus, &c. relates to the endowment of the University rather than to that of the Grammar School, and is only mentioned that it may not appear to have been forgotten in our calculation.

It appeared therefore to be the general opinion of the Board, that a sum not exceeding £3,000 Provincial Currency, and an annual income of £180 will be amply sufficient for the establishment and support of a free Grammar School in each District. The next object was to consider the mode by which that sum and that income are to be raised.

With respect to the former, the board had but one opinion; viz: that it can only be raised by the sale of part of the waste lands of the Crown. If the institutions in question are to be deferred until they can be provided for from the annual income of any quantity of Land that can be appropriated for them, they will be deferred either until they have been superceded by other institutions, or until four or five generations of ignorance and vice have rendered them useless.

The annual income must equally be derived from the waste lands of the Crown, and may, in the apprehension of the board, be raised by one or other of the four following modes.

1st. By the sale of so much of those lands as will raise a sum which if invested in the British funds will produce the sum of £180, as interest.

2nd. By reserving such a portion of those lands as when leased will produce that sum as rents.

3rd. By appropriating to the same purpose such parts of the present Crown reserves as are capable of yielding a present rent: or,

4th. By selling a portion of the waste lands of the Crown (always distinguishing between waste lands of the Crown, and Crown reserves) and laying out the produce in the purchase of lands which from their quality, local situation, or state of cultivation either yield or may be made to yield a present rent.

On each of these modes, the Board begs leave to submit the following considerations:

With respect to the first it observes, that besides the disadvantage of the daily decreasing value of an income which is to be applied to a permanent purpose and which arises from money, or is reserved in money; it will require the sale of a quantity of land considerably beyond any that the board would venture to mention, to raise a sum which at the rate of five per cent. per annum would yield the sum of £180 as interest.—

For we conceive it to be generally though perhaps not universally true, that whenever lands in this country are capable from quality, situation or any other circumstance, of yielding a rent, a capital laid out in the purchase of those lands is much more productive than one lent at interest on either private or public security and there is this additional advantage on the side of the former, that both the real and the nominal value of rent will increase with the increasing prosperity of the country, while the real value of Interest decreases with the decreasing value of money in a proportion to which the increase of our prosperity is not a counter balance. The Board therefore considers this mode of raising the income required, as wholly out of the question.

Of the remaining three modes the Board considers that which proposes to provide the necessary income, by reserving for the use of these institutions a certain portion of the waste lands of the Crown, and leasing them at a Rack-Rent, as incomparably the best: both because it is the cheapest and because it leaves the fund of Crown Reserves from which the other public purposes of the Province may hereafter be supplied, untouched, but it is certain that the present circumstances of the province do not authorise us to expect much income from such a source, for some years at least. It may therefore be necessary to break in upon the Crown Reserves, and to appropriate such of them as are now capable of yielding rent, to the present purpose; and should the fund, even after this assistance, be still inadequate, nothing will remain but to recur to the fourth of the proposed modes, and to lay out a part of the sum arising from the sales, in the purchase of lands capable of producing the income required.

The object which next engaged the attention of the board was to consider, in what parts of the several Districts of the Province, the proposed schools and seminary should be erected. On this point we were unanimous in thinking that the towns of Cornwall, Kingston, Newark, and Sandwich are the most proper places for the sites of the four schools;—We were equally unanimous in considering the town of York as entitled to the university both as being the seat of the Executive Government, the Legislature, and the courts of justice, and as being by far the most convenient spot in the Province for all general purposes, its situation being nearly central, and besides its accessibility by water, the proposed high road from the one end of the Province to the other being necessarily to pass near it, or through it.

There was not the same coincidence of opinion with respect to the number of schools

which the several members of the board consider as now necessary;—each part of the Province seemed to have its claims, and might consider itself as injured, if it were postponed to any other;—Some of the gentlemen were therefore of opinion that four schools were now necessary, and that the whole number should be begun at the same time; others thought that besides the necessity of managing the fund in the most frugal manner possible, the present circumstances of the Province do not call for the erection of more than two schools: and that if the situations of those two are obviously selected, not with a view to any particular District, but to the Province at large, there will be no room for any jealousy among the several parts of it—after some discussion, this opinion was acceded to, and the towns of Kingston and Newark were selected, the former for the eastern and the latter for the Western half of the Province, but it was at the same time stipulated, and agreed, that as soon as the fund should be sufficiently productive, the towns of Cornwall and Sandwich shall each receive a similar mark of the Royal munificence.

Nothing now remains, but that I should state to your honor the extent of the appropriation of waste lands which in the conceptions of the members of the board, is necessary for the purpose in question; and on this subject, I am happy to say that our calculations approach as nearly to each other, as could reasonably be expected.

I believe I may state it as our unanimous opinion, that the appropriation should cover such a portion of the waste lands of the Crown, as if now sold, would produce the sum of £18,000 provincial currency; estimating the present average price of land at about nine pence per acre, the quantity required will be nearly 500,000 acres or ten townships, after the deduction of the Crown and Clergy sevenths.

It is obvious that if the four schools are all erected immediately, and the allowance which our estimate proposes for them, is not extravagant, a much larger than that which I have mentioned will be necessary, and consequently a much larger appropriation must be made. But in the manner in which we propose that the fund should be managed, we conceive that the quantity above mentioned will not only be amply sufficient for the establishment and support of the four schools, but will be nearly if not adequate to the erection and endowment of the university which the Royal Bounty has promised to provide for us, whenever the advancement of the Province calls for such an institution.

Having trespassed so long upon Your Honor's time and attention, I shall not trouble you with

the detail of the manner in which we conceive that the proposed fund should be managed, because I hope that it will be sufficiently apparent from the following resolutions, into which the Board has condensed all that it has to offer on the interesting and important subject which has engaged it: I have therefore the honor to inform you that the members of His Majesty's Executive Council, the Judges, and the Law officers of the Crown, after much reflection, and deliberation on the matter referred to them, are of opinion.

1. That an appropriation of 500,000 acres or ten Townships, after deducting the Crown and Clergy Reserves, will be a sufficient fund for the establishment and maintenance of the Royal Foundation of four Grammar Schools, and an University in the Province of Upper Canada.

2. That the present circumstances of the Province call for the erection of two of those schools, one at the Town of Kingston, the other at the Town of Newark.

3. That for the purpose of building a plain but solid and substantial house containing a school room sufficient to contain 100 boys, and apartments for the master, large enough for the accommodation of a moderate family, and the reception of from 10 to 20 boys as boarders, the sum of £3000 provincial currency for each, will be a sufficient allowance.

4. That for the purpose of raising that sum, a portion of the appropriated tract be sold, in the manner directed by His Grace the Duke of Portland with respect to the other waste lands of the Crown.

5. That for the purpose of defraying the salaries of a master and under master, in case an under master should be thought necessary, and also for the purpose of keeping the buildings in repair, and making such additions thereto as circumstances shall require, the annual sum of £180 provincial currency for each school is a sufficient allowance.

6. That in order to raise this annual sum, such portion of the waste lands of the Crown in the different parts of the Province be selected, as from the quality of the soil, or from their local situation, are most likely to yield an annual rent, and that they be leased in the manner heretofore recommended by His Majesty's Executive Council with respect to the Crown and Clergy Reserves.

7. That if the income arising from the lands so reserved, and leased, be insufficient for the purposes above mentioned, a similar selection be made from the Crown Reserves.

8. That if, after this addition, the fund be still insufficient a further portion of the appropriated land be sold, and the money arising from the sale invested in the purchase of other lands so situated as to yield a present rent.

9. That whenever the Governor, Lieutenant Governor or person administering the Government in Council, shall be of opinion that the circumstances of the Province call for the erection of two other schools, and also that the appropriated fund is sufficient not only to bear the expense of the erection and endowment of those two schools, but also to leave a residue sufficient for the establishment and future maintenance of a seminary of a larger, and more comprehensive nature, the same steps be pursued with respect to such two schools, as have been already recommended with respect to the two schools at Kingston and Newark.

10. That the provision for the establishment and maintenance of the University be at least equal to that for the four schools taken together.

I have the honor to be,

&c. &c. &c.

(Signed)

J. ELMSLEY, c. j.

I perfectly accord with this Report in all its parts,

(Sd)

PETER RUSSEL,

President.

Document No. 1 referred to in Mr. Secretary Hillier's letter to the Executive Council of the 13th May, 1823, respecting school lands.

Extract of a despatch from Sir P. Maitland to Earl Bathurst.

Much good might be effected by the organization of a general system of Education; an object to which might be applied the proceeds of the sale of some portion of the lands set aside under the title of school reserves, consisting of 12 townships, comprising 740,000 acres, still however, reserving a certain portion for the future endowment of an University, should such an Establishment not be considered advisable at present.

"It is proposed to establish one introductory school on the National Plan in each Town of a certain size. It is supposed that a salary of one hundred pounds per annum to the master of each such school would be sufficient. The number of these schools may be increased as the circumstances of the Province may require, and the means allow."



## COPY,

To His Excellency Sir Peregrine Maitland,  
 &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

The Committee of the Executive Council to whom Your Excellency was pleased to refer the Consideration of a plan for establishing a University in this Province assembled this day, and by Your Excellency's permission requested the attendance and assistance of His Majesty's Attorney General.

A letter was read from His Grace the Duke of Portland to Lt. Governor Simcoe bearing date the 22nd June, 1796 acknowledging the Receipt of a letter from the Bishop of Quebec upon the subject of a school of a higher class, which His Grace then did not think necessary in Upper Canada. A letter was also read from His Grace bearing date, 4th, Nov. 1797, acknowledging an address from the two Houses of the Legislature requesting an appropriation of Crown Lands for the establishment of Schools, and communicating his Majesty's pleasure to acquiesce in their petition directing the Governor to consult the members of the executive Council, Judges and Law officers on the requisite means, to report to His Grace, for His Majesty's information what schools were then necessary, the means of erecting and endowing them, the amount necessary, and also to erect and endow a University.

On this letter, the Committee named reported four schools to be necessary, a sum of three thousand pounds requisite to erect them, and an annual sum of one hundred and eighty pounds to pay a master and sub-master and keep the building in repair, and the sum of three thousand six hundred and twenty pounds for a University.

That a fund to raise this sum would require five Hundred thousand Acres of Land which was recommended to be set apart for such purpose, and the report, approved by the President was directed to be transmitted for the information of His Majesty's Government.

No answer to this report or farther confirmation of it can be traced in the office of the Executive Council. The committee therefore, concurring in opinion with His Majesty's Attorney General that the appropriation of that quantity of land is not sufficiently sanctioned to authorise a grant in other portions than limited by His Majesty's commission, humbly recommend that your Excellency do call the attention of his Majesty's Government to a formal sanction, under the royal sign manual, or the signature of His Majesty's principal Secretary of state for the Colonies, to sell, lease, Grant, and dispose

of the said five hundred thousand acres of land for the purpose of establishing a university in this Province.

In the mean time in conformity to your Excellency's pleasure the committee proceeded to consider the detail required by your Excellency.

In pursuing this object the Committee first observe that provision for District Schools is not now required out of this fund, being made by the Legislature. The scale established by the former Committee appears at present very inadequate.

The Committee is of opinion that a sum not less than ten thousand pounds will be required to erect a suitable building and provide a library, philosophical apparatus and a botanic garden.

That an annual sum of four thousand pounds may be deemed necessary to defray the salaries of principal, professors, preceptors, scholarships, librarian, gardeners and other officers with other contingencies.

That to raise these sums, it will be proper that a sale of lands should be made from time to time, to meet, with security, the exigencies of the establishment, until the revenue will supply the annual expenditure.

That a commission should permanently attend with large powers to sell and lease the land and manage its revenues under the direction of the Executive Government.

It is also considered that it would conduce much to the importance and utility of the projected university if its constitution should be by a Royal Charter. All which is humbly submitted.

By order,

(SIGNED) W. DUMMER POWELL, C. J.

Executive Council Chamber,  
 York 7th January 1819.

Extract of a Report of the Executive Council to the Lieutenant Governor dated 17th November 1830.

The Council entirely concurs in the recommendations of your Excellency assuming that an equivalent in lands may be so arranged in the proposed exchanges as neither to prejudice the interests of the Crown, nor of the school fund, and indeed it appears to the council, that the measure suggested will be highly favorable to the public interests in affording the crown the means of dispensing more generally through the country the many respectable emigrants arriving from Europe.